

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:	:	CASE NO. 04-92818
	:	
TOMMY R. HENDERSON	:	CHAPTER 13
	:	
Debtor.	:	JUDGE BIHARY

ORDER

On August 2, 2004, Tommy R. Henderson filed a document titled “Request for Reconsideration Nunc Pro Tunc.” The relief requested cannot be granted.

This case was commenced on April 6, 2004 by the filing of a voluntary Chapter 13 petition signed by Tommy R. Henderson as debtor. On April 22, 2004, Mr. Henderson filed a motion to extend the time to file a Chapter 13 plan, Statement of Financial Affairs, and bankruptcy schedules. The Court granted the motion on April 29, 2004, and gave debtor until May 10, 2004 to file the plan and schedules. Debtor did not file any plan or schedules, but filed a second motion to extend time on May 11, 2004. This motion also appeared to seek some form of relief against Joel Freedman of Morris, Schneider & Prior, LLC, but the motion was not served on Mr. Freedman or Morris, Schneider & Prior, LLC. On May 25, 2004, the Court entered an Order denying debtor’s motion.

On June 1, 2004, this case came before the Court for a confirmation hearing. The Chapter 13 Trustee filed objections on May 19, 2004, requesting that the Court dismiss the case with prejudice pursuant to 11 U.S.C. § 109(g) due to debtor’s

failure to prosecute the case, alleging, among other things, that debtor failed to attend the first meeting of creditors and failed to file a Chapter 13 plan or schedules. Debtor did not file any response to the Trustee's objections and failed to appear at the confirmation hearing. Accordingly, on June 17, 2004, the Court entered an Order denying confirmation and dismissing this case with a determination that debtor would not be eligible for bankruptcy relief under Title 11 for one hundred eighty (180) days.

In the request for reconsideration before the Court, Mr. Henderson states that he erred in filing a bankruptcy case but desires court protection with respect to certain real property. The request states no legal basis for reconsidering the dismissal order and the order must stand. Bankruptcy courts exist in part to protect debtors and their property as they try to sort out their financial affairs, but this privilege has a corresponding duty to provide the information concerning those affairs required by the Bankruptcy Code and Rules. Mr. Henderson suggests that an attorney representing a mortgage company failed to comply with the Fair Debt Collection Practices Act, but even if he were correct in that legal conclusion, such a violation would not alter his obligation to file the required schedules and related documents in a timely fashion, his obligation to appear at the first meeting of creditors, and his obligation to appear at the confirmation hearing.

As alternative relief, Mr. Henderson asks the Court to transfer his case to a different court in order to protect his property. The Bankruptcy Court has no authority to grant the requested relief.

In accordance with the above, debtor's request for reconsideration is
DENIED.

IT IS SO ORDERED, this _____ day of August, 2004 .

JOYCE BIHARY
UNITED STATES BANKRUPTCY JUDGE

DISTRIBUTION LIST

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